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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,287	03/29/2001	Atsushi Inagaki	1232-4694	2141
27123	7590	05/24/2005		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER NGUYEN, LUONG TRUNG	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,287

Applicant(s)

INAGAKI, ATSUSHI

Examiner

LUONG T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 7, 13 filed on 12/03/2004 have been considered but are moot in view of the new ground(s) of rejection.

In re page 7, Applicant argues that nowhere does Fredlund appear to teach or suggest “an image sensing apparatus comprising...an operation member...a setting unit...and a controller... wherein said controller controls said display and said power supply so as to set said display ON for a predetermined period, display the information, and set said display OFF after the predetermined period, when said display is set to be OFF by said operation unit and the information is set to be displayed on said display by said setting units,” as recited in claim 1.

In response, regarding claim 1, Applicant amended claim 1 with the limitation “wherein said controller controls said display and said power supply so as to set said display ON for a predetermined period, display the information, and set said display OFF after the predetermined period, when said display is set to be OFF by said operation unit and the information is set to be displayed on said display by said setting unit.” The Examiner considers that claim 1 as amended still does not distinguish from Fredlund et al. Fredlund et al. discloses that the display can be turned on only for short period of time, after the camera are turned off, the operator turn on camera to determine status of the camera (display the information, column 1, lines 20-27; column 3, lines 5-15).

Claim Objections

2. Claim 1 is objected to because of the following informalities:

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Claim 1 (line 14), "power supply" should be changed to --power supply unit--;

Claim 1 (line 17), "operation unit" should be changed to --operation member--;

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al. (US 6,724,427) in view of Oeda et al. (US 6,844,899).

Regarding claim 1, Fredlund et al. discloses an image sensing apparatus (electronic camera 12, figure 2) comprising an image sensor (electronic sensor 50, figure 2, column 3, lines 5-15); a display (display 35, figure 2, column 3, lines 5-15) adapted to display an image obtained by said image sensor and information about a status of the image sensing apparatus, where the information is different from the image; a power supply unit adapted to supply power to processing circuits including said image sensor and said display (battery, column 1, lines 20-25); a setting unit adapted to set either to display or not to display the information on said display (camera controller 30, figure 2, column 1, lines 20-27; column 3, lines 3-15); and a controller (camera controller 30, figure 2, column 3, lines 5-15) adapted to control operating statuses of said display and said power supply unit, wherein said controller controls said display and said power supply so as to set said display ON for a predetermined period, display the information,

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when said display is set to be OFF by said operation (column 1, lines 20-27) and the information is set to be displayed on said display by said setting unit (column 3, lines 5-15).

Fredlund et al. fails to specifically disclose an operation member that sets the display to be either OFF or ON. However, Oeda et al. teaches a LCD switch 12 is for turning ON or OFF power supply to LCD 29 (figures 1, 4, column 1, lines 28-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Fredlund et al. by the teaching of Oeda et al. in order to control power to a display; this allows to increase the lifetime of the display.

Regarding claim 7, claim 7, is method claim of apparatus claim 1. Therefore, see Examiner's comment regarding claim 1.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al. (US 6,724,427) in view of Oeda et al. (US 6,844,899) further in view of Anderson (US 6,011,585).

Regarding claim 13, Fredlund et al. and Oeda et al. disclose an apparatus has a function of displaying image and information about status of the apparatus as discussed regarding claim 1, except the feature "a computer program having a computer readable program code means for a display method". However, Anderson teaches that while a preferred embodiment is implemented in software, those skilled in the art would readily recognize that a hardware equivalent implementation would also be acceptable (column 13, lines 58-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify the device in Fredlund et al. and Oeda et al. by the teaching of Anderson in order to perform a display by hardware or software.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

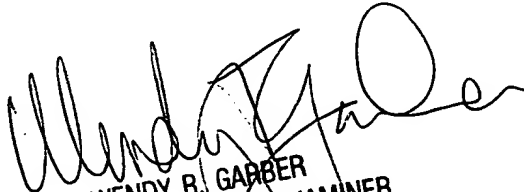
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LUONG T NGUYEN** whose telephone number is (571) 272 - 7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272 - 7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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